



U.S. House of Representatives

Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner: House Approves Legislation Providing Liability Protection for Hurricane Katrina Volunteers

WASHINGTON, D.C. – The House today by voice vote approved legislation providing legal protections for volunteers assisting in the Hurricane Katrina recovery effort. House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.), the sponsor of H.R. 3736, the “Katrina Volunteer Protection Act,” delivered the following remarks on the House floor:

“Thousands of America’s devoted and selfless volunteers have already answered the call to help those suffering in the wake of Hurricane Katrina. But too many are hindered in their efforts, or held back from joining the relief effort in the first place, by the threat of legal liability.

“In too many parts of the country, including Louisiana and other areas affected by Hurricane Katrina, it’s not only unclear what defines the legal protections for Good Samaritans, but it’s unclear which of those legal protections would govern where citizens of multiple states converge in another state to give aid and comfort to their fellow citizens in need.

“At the federal level, the Volunteer Protection Act does *not* provide any protection to volunteers who aren’t working under the auspices of an official nonprofit organization, namely a 501(c)(3) organization, and it provides no protection at all to nonprofit organizations themselves. Consequently, under federal law, there are absolutely no legal protections for the average person who wants to volunteer on his own. And there are absolutely no legal protections for America’s wonderful nonprofit organizations themselves, such as the Red Cross, when only an extremely small percentage of the some 1.4 million nonprofit organizations in the United States actually purchase liability insurance due to excessive costs.

“This bill before us today closes the gaps in existing law for those individuals and organizations wanting to give of themselves to aid those suffering the worst effects of one of the most tragic weather disasters in American history.

“This bill clarifies the rules for everyone volunteering to help. By clarifying the rules, this bill gives a bright green light to those who may be hesitating to contribute their time and resources due to legitimate liability concerns.

“This bill makes crystal clear that everyone who helps those who have suffered harm in the wake

of Hurricane Katrina will be covered by some basic legal protections. If a volunteer's own state law provides greater protections for them, all the better, and this legislation would allow those stronger protections to govern in their situation. But this bill provides a uniform federal floor on which all volunteers can confidently stand when helping those in need in the wake of Hurricane Katrina.

“Such a uniform federal floor is clearly needed. As the *Los Angeles Times* recently reported, “*The lack of liability protection was one of several concerns delaying some 900 churches from joining the evacuation network.*” According to recent press accounts, the Red Cross feels constrained in giving out the names of refugees to those who want to offer their homes to them for shelter because they have concerns about liability. The Red Cross has cited “liability issues” as a reason for people *not* to volunteer to take refugees into their homes, and complained generally that “There is so much liability involved.”

“The Minnesota Department of Public Safety’s spokesman has said of volunteer efforts, “If things go south, there's liability problems.” In Grandville, Michigan, a local school district wants to let evacuees use a vacant school for shelter, but the school superintendent is concerned about liability issues. The *Cleveland Plain Dealer* reports that a specially trained group of 50 international physicians and psychologists who have extensive experience treating children in Third World countries could face liability issues here if they venture into states where they aren't licensed.

“Any time lawsuits or the threat of lawsuits limit private persons and entities, and state and local governments, from acting to help those in need, the response costs to the federal government only increase.

“H.R. 3736 will give a clear positive signal to all those Good Samaritans that make us proud to be Americans. This bill says simply that if you’re a volunteer who acts in good faith to assist the victims of Hurricane Katrina without compensation, then you don’t have to worry about lawsuits unless you either act in a willful, wanton, reckless, or criminal manner or violate a State or Federal civil rights law. Volunteers under this bill only will have to worry about saving those in need, and they *won’t* have to worry about hiring an attorney to defend themselves from a frivolous lawsuit.

“This bill does not apply to those with preexisting duties to aid – that is, it does not apply to those with a statutory duty to aid the victims or those with prior contractual obligations to do so. This bill does apply to all volunteers who, in good faith, and without expectation of compensation, render aid, medical treatment, or rescue assistance to any person in response to harm caused by Hurricane Katrina. The Congress voted overwhelmingly to give far broader legal protections to selected entities following the 9/11 terrorist attacks. At the very least, this Congress should provide some legal protection for volunteers working in the wake of Hurricane Katrina.

“While we all keep the victims of Hurricane Katrina in our prayers, let’s keep all the individual volunteers and the organizations that support them in our hearts, and free them to act on their compassion without the distracting fear of unnecessary lawsuits.”

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